

**BOARD OF COUNSELING  
FULL BOARD MEETING  
Friday, August 20, 2021  
DRAFT MINUTES**

**TIME AND PLACE:** Dr. Johnston Brendel, called the meeting to order at 10:04 a.m. on Friday, August 20, 2021, in Board Room 4 at the Department of Health Professions (“DHP”), 9960 Mayland Drive, Henrico, Virginia.

**PRESIDING:** Johnston Brendel, Ed.D., LPC, LMFT, Chairperson

**BOARD MEMBERS PRESENT:** Angela Charlton, Ph.D., LPC  
Natalie Harris, LPC, LMFT  
Danielle Hunt, LPC, Vice-Chairperson  
Gerard Lawson, Ph.D., LPC, LSATP  
Maria Stransky, LPC, CSAC, CSOTP  
Terry R. Tinsley, Ph.D., LPC, LMFT, CSOTP  
Vivian Sanchez-Jones, Citizen Member  
Tiffinee Yancey, Ph.D., LPC

**BOARD MEMBERS ABSENT:** Barry Alvarez, LMFT  
Bev-Freda L. Jackson, Ph.D., MA, Citizen Member  
Holly Tracy, LPC, LMFT

**STAFF PRESENT:** Jaime Hoyle, JD, Executive Director  
Jennifer Lang, Deputy Executive Director  
Charlotte Lenart, Deputy Executive Director-Licensing

**DHP STAFF PRESENT:** David E. Brown, D.C., DHP Director  
Elaine Yeatts, DHP Senior Policy Analyst

**BOARD COUNSEL:** James Rutkowski, Assistant Attorney General

**ROLL CALL - ESTABLISHMENT OF A QUORUM:** Dr. Brendel congratulated and welcomed the newly appointed Board members Dr. Lawson and Dr. Charlton. Dr. Brendel also recognized Mr. Alvarez, Dr. Yancey and Ms. Harris’ reappointment to the Board. Board members and staff introduced themselves and with 9 Board members present, a quorum was established.

**ADOPTION OF AGENDA:** The Board adopted the agenda as written.

**PUBLIC COMMENT:** There was no requests to provide public comment.

**APPROVAL OF MINUTES:** With no amendments to the May 21, 2021 board meeting minutes, the minutes stand approved as presented.

**AGENCY REPORT:**

Dr. Brown welcomed the new Board members and discussed the requirements for Board member participation. Dr. Brown reported that the state of emergency lapsed on June 30, 2021 that allowed Boards to hold meetings virtually. He reported that the Agency would propose legislation to allow virtual meetings.

Dr. Brown stated that the Agency closed to the public for a long period, and the Agency invested significantly to allow staff to work remotely. Dr. Brown stated that the Behavioral Science Unit was the poster child for early adoption of electronic means and seamless ability to telework. The Agency will be returning to the office (return to the new normal) on or about October 1, 2021 which employees to telework up to 3 days. The Agency wants to embrace the benefits of teleworking but same time not lose the healthy culture we have developed here at DHP.

The Agency is working on improving and increasing building security to ensure the Agency takes all appropriate steps to ensure the safe environment for staff, Board members, and public.

Dr. Brendel asked if the Agency has looked at being more efficient as it relates holding meetings electronically. Dr. Brown explained that the Code of Virginia prohibits virtual meeting, but the Agency will seek to have legislation specifically for DHP to allow virtual meetings in certain circumstances.

**CHAIR REPORT:**

Dr. Brendel discussed the chairperson report, which provided the quarterly accomplishments. Dr. Brendel reminded everyone that the Board of Counseling is a working Board and asked each Board member to do their part in reviewing probable case reviews and to take their responsibilities seriously. The Board currently has approximately 300 probable cause cases needing review.

Dr. Brendel stated that four representatives from the Board attended the National Board for Certified Counselors (NBCC) Annual Conference. He asked the Board members to share their experiences with the Board.

Dr. Tinsley liked the discussion on Compact. He enjoyed hearing both the positive and negative consequences of a Compact and now feels as if he is more informed and is now in favor of the Compact.

Ms. Hunt indicated that one of her main take-aways from the meeting

was in the efficiency that the Florida Board created using Artificial Intelligence. One of the Boards mandates that the licensees provide a document to the client that outlines the expectations and appropriate behavior of the licensee.

Dr. Brendel stated that he felt that Virginia was ahead of some states and behind other states in how we process applications. He felt that our processes for hearings are well above other states. He stated that he was always proud of saying that the Board reviewed applications in 30 days, but some Boards are reviewing complete applications within 3 days. Dr. Brendel stated that the Board falls behind on the use of technology on our website to better serve the applicants, licensees and public. Lastly, Dr. Brendel stated that the staff is incredible, hardworking, efficient and detailed oriented. Dr. Brendel stated that constantly hears praise from the community on the great customer service and efficiency, which has not always been the case.

## **LEGISLATION AND REGULATORY ACTIONS:**

### **Legislation Actions:**

Ms. Yeatts indicate that the Agency is working hard on several proposed bills for the 2022 session.

### **Regulatory Actions:**

Ms. Yeatts provided an update regulatory actions chart dated August 10, 2021.

18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Unprofessional conduct-conversion therapy (Action 5225); Effective 8/18/2021.

18VAC 115-20 Regulations Governing the Practice of Professional Counseling – Periodic review (action 5230); Proposed - At Governor's Office for 245 days

18VAC 115-30 Regulations Governing the Certification of Substance Abuse Counselors – Clarification on Independent Practice (action 5692) Fast Track – At Secretary's Office for 130 days.

18VAC 115-40 Regulations Governing the Certification of Rehabilitation Providers - Periodic review (Action 5305); Final – Published on 8/30/2021 and becomes effective on 9/29/2021.

18VAC 115-90 Regulations Governing the Licensure of Art Therapists (under development) – NOIRA – Register Date: 3/1/2021.

### **Petitions for Rulemaking:**

#### **First Petition:**

Petition received from Jennifer Stolpe requesting education requirements for LSATP by endorsement be reduced to 36 hours if all

class hours were focused on addiction counseling.

The Board discussed the petitioner's request and is sensitive to her situation and to active military and military spouses' challenges but decided not to initiate rulemaking. Since the standard for all licensed professionals regulated by the Board is 60 graduate hours in counseling, a reduction to 36 hours would be problematic for this license.

***Motion:*** Ms. Hunt made a motion that was properly seconded, to deny the petitioners request. The motion passed unanimously.

**Second Petition:**

Petition received from Dawne Sherman requesting all face-to-face client contact hours in a graduate internship in excess of 240 be allowed to count towards the 2,000 total in the residency.

The Board discussed the petitioner's request and decided it would include amendments to the internship and residency requirements in the adoption of final regulations relating to its periodic review. The amendments will specify the proportional hours that could be counted as face-to-face. However, in practice, those hours are already being applied to a residency.

For example, a person who completed 659 hours in an internship with 296 face-to-face hours was credited with 59 hours (the number in excess of required 600 hours) towards the residency and 56 hours (the number in excess of required 240 hours) was credited towards the 2,000 hours of face-to-face client contact. While the regulation does not currently specify how those excess hours are applied, an applicant is currently receiving the credit.

***Motion:*** Dr. Tinsley made a motion that was properly seconded, to consider the petitioner's request at the adoption final regulations of the periodic review. The motion passed with eight in favor and one opposed.

**ELECTION OF OFFICERS:**

Ms. Hoyle discussed the election requirements and procedures as outlined in the By-Laws. Both Ms. Hunt and Dr. Brendel's are eligible for re-election.

***Motion:*** Ms. Stansky made a motion, which was properly seconded, to nominate Ms. Hunt for Vice-Chair. The motion passed with nine in favor.

***Motion:*** Dr. Yancey made a motion, which was properly seconded, to nominate Dr. Brendel for Chair. The motion passed with nine in favor. Ms. Hoyle congratulated Ms. Hunt and Dr. Brendel on their re-election.

**UNFINISHED BUSINESS:**

**Review/Adoption of Telehealth Guidance Document**

The Board and staff discussed in depth the proposed guidance document for the use of telehealth for the practice of counseling, marriage and family therapy, and substance abuse treatment, including the use of telehealth for the supervision of residents. Board members made suggestions for change to the guidance document.

It was suggested that staff incorporate the comment and concerns of the Board for the Regulatory Committee to discuss. The Regulatory Committee would then propose a draft to the full Board thereafter.

**Counseling Compact**

Becky Bowers-Lanier, Virginia Counselor Association (VAC) lobbyist stated that their VAC Board approved the concept of the moving forward with the compact. VAC has obtain a patron for a bill proposing legislation to enact the Counseling Interstate Compact in Virginia.

After a lengthy discussion on the pros and cons of the Compact language, the Board agreed to keep this action item on the agenda for the next Board meeting at which time the Board may want to take an official position on the Compact.

**Guidance Documents 115-8 Approved Degrees in Human Services and Related Fields for QMHP Registration**

The Board discussed proposed changes to Guidance Document 115-8.

***Motion:** Dr. Yancey made a motion, which was properly seconded, to amended Guidance Document 115-8 to add the revised definition of human services, remove sociology from the degrees accepted and to remove the sentence "The Board may consider other degrees in human services or in Fields related to the provision of mental health services." The motion passed unanimously.*

**Break:**

The Board took a break at 12:13 p.m. and reconvened at 12:26 p.m.

**STAFF REPORTS:**

**Executive Director's Report – Jaime Hoyle**

Ms. Hoyle reported and answered questions on the Board's financials as presented in the agenda packet.

Ms. Hoyle talked about her take-aways from the NBCC Annual Conference and discussed that the Board is a composite Board, which regulates 13 different professions that will change to 15 once the art therapy regulations become effective.

Ms. Hoyle stated her staff is awesome and works harder than any other Board.

Dr. Tinsley asked about upgrading the technology and functionality of the Board's website. Ms. Hoyle discussed the potential upgrades to the system and stated that she is in support of any technologies that would increase efficiencies that help not only applicants but also staff and would be happy to share the Florida Board's website with the administration and IT department.

**Licensing Report – Charlotte Lenart, Deputy Executive Director- Licensing**

Ms. Lenart gave a brief summary of the licensing report and thanked staff for their hard work and dedication.

Ms. Lenart discussed the satisfaction survey and read two comments from the survey.

Staff is receiving approximately 600 to 700 applications: 3,000 phone calls and 7,000 emails per month with a staff of 3 full time and 3 part-time employees.

Ms. Lenart advised that the Board has approximately 2,500 LPC, 225 LMFTs, 100 LSATPs and 50 CSAC are approved supervisors on the supervisory registry.

Ms. Lenart stated that the Board has denied 106 applications so far this year. Seven have since been approved and five have requested Informal Conferences.

Ms. Hoyle stated that she has been asked to reduce or eliminate overtime for staff. She discussed the staffing and the balance of the cost of overtime and staff burn-out but still process applications in the most expediently and efficient way possible.

Dr. Brendel stated that the Board is here to support and advocate for Board staff.

**Discipline Report – Jennifer Lang, Deputy Executive Director**

Ms. Lang's report gave a brief update on the discipline report posted in the agenda packet.

Ms. Lang stated that the discipline staff consists of herself and Christy Evans and most recently Charles "Rip" McAdams as the Board's probable cause reviewer.

Ms. Lang indicated that in the first 8 months of 2018, the Board received 115 discipline cases and for the same period this year, the Board received 225 discipline cases. The majority of the issues relate

to boundaries and fraudulently billing records. Ms. Lang is working with DBHDS to require specific training prior to hiring QMHPs.

Ms. Hoyle stated that Ms. Lang was instrumental in having all the discipline cases online and is still the only Board that has that capability.

See Attachment A.

**CONSIDERATION OF  
SUMMARY SUSPENSION:**

**NEXT MEETING:**

Next scheduled Quarterly Board Meeting is November 5, 2021.

**ADJOURN:**

The meeting adjourned at 1.26 p.m.

DocuSigned by:

*Johnston Brendel*

11/8/2021

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Johnston Brendel, Ed.D, LPC, LMFT,  
Chairperson

DocuSigned by:

*Jaime Hoyle*

11/8/2021

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Jaime Hoyle, J.D  
Executive Director

**Attachment A**

**Summary Suspension Presentation and Consideration**

- RE:** Brian Artis, QMHP-A, QMHP-C  
Registration Nos: 0732004702  
0733004130  
Case No: 209032
- Commonwealth's Representation:** Erin Weaver, Assistant Attorney General, Office of the Attorney General  
Emily Tatum, Adjudication Specialist, APD
- Purpose of the Meeting:** Ms. Weaver presented a summary of evidence in case 209032 for the Board's consideration of a summary suspension of the registrations of Brian Artis.
- Closed Meeting:** Dr. Tinsley moved that the Board convene in a closed meeting pursuant to § 2.2-3711(A)(27) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Brian Artis. Additionally, he moved that James Rutkowski, Jaime Hoyle, Jennifer Lang, and Charlotte Lenart attend the closed session because their presence was deemed necessary and would aid the Board in its deliberations. The motion was seconded by Dr. Lawson and passed unanimously.
- Reconvene:** Having certified that the matters discussed in the preceding closed meeting met the requirements of § 2.2-3712 of the *Code of Virginia*, the Board reconvened in open meeting and announced the decision.
- Decision:** Dr. Lawson moved to summarily suspend the registrations of Brian Artis, QMHP-A, QMHP-C and offer a Consent Order for revocation in lieu of a formal hearing. The motion was seconded by Dr. Yancey and passed unanimously.